

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

INTERNATIONAL PAINTERS AND
ALLIED TRADES INDUSTRY
PENSION FUND, Derivatively on behalf of
EXCO RESOURCES, INC.,

Case No. 3:11-CV-00199-P

Plaintiff,

vs.

DOUGLAS H. MILLER, STEPHEN
SMITH, JEFFREY BENJAMIN,
VINCENT CEBULA, EARLE ELLIS,
JAMES FORD, MARK F. MULHERN,
T. BOONE PICKENS,
JEFFREY S. SEROTA,
ROBERT L. STILLWELL,
ARES MANAGEMENT LLC and
OAKTREE CAPITAL MANAGEMENT, LP,

Defendants,

- and -

EXCO RESOURCES, a Texas
Corporation,

JURY TRIAL DEMANDED.

Nominal Defendant.

AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE


Before the Court is Plaintiff and Defendants' Agreed Motion to Dismiss Without
Prejudice, filed on May 11, 2011 pursuant to Rules 23.1(c) and 41(a) of the Federal Rules

of Civil Procedure. Having considered the motion the Court finds that it should be and is hereby **GRANTED**.

Pursuant to Rule 23.1(c), the Court approves Plaintiff's voluntary dismissal without prejudice of all Defendants and finds that no notice to shareholders is required.

It is therefore **ORDERED** that the claims asserted in the above-numbered cause of action by Plaintiff against all Defendants are **DISMISSED** without prejudice.

SO ORDERED on this 13th day of May, 2011.



The Honorable Jorge A. Solis
UNITED STATES DISTRICT JUDGE

AGREED AND APPROVED:

s/ Stuart J. Guber
Stuart J. Guber
ATTORNEY FOR PLAINTIFF

s/ J. Hoke Peacock III
J. Hoke Peacock III
ATTORNEY FOR DEFENDANT
OAKTREE CAPITAL MANAGEMENT, L.P.

s/ Andrew M. Farthing
Andrew M. Farthing
ATTORNEY FOR DEFENDANT
ARES MANAGEMENT LLC

s/ Michael L. Raiff
Michael L. Raiff
ATTORNEY FOR DEFENDANT
DOUGLAS H. MILLER

s/ T. Ray Guy
T. Ray Guy
ATTORNEY FOR DEFENDANT
STEPHEN SMITH, JEFFREY
BENJAMIN, VINCENT
CEBULA, EARLE ELLIS,
JAMES FORD, MARK F.
MULHERN, T. BOONE
PICKENS, JEFFREY S.
SEROTA, ROBERT L.
STILLWELL and NOMINAL
DEFENDANT EXCO
RESOURCES, INC.